

## Message Text

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17

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 SCA-01 SCS-03 IO-10 SY-04 USSS-00 /071 W

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R 050947Z DEC 74

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8896

C O N F I D E N T I A L MANILA 14325

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: PRESIDENT STATES OSMENAS AND LOPEZ DO NOT QUALIFY FOR  
AMNESTY

REF: A) STATE 265790 B) MANILA 14197 C) MANILA 14054

1. BEGIN SUMMARY: PRESIDENT MARCOS, IN APPARENT ABOUTFACE,  
HAS STATED OSMENA JR., LOPEZ JR., AND SERGIO  
OSMENA III NOT REPEAT NOT ELIGIBLE FOR AMNESTY SINCE THEIR  
ALLEGED CRIME NOT "POLITICAL." REPORTEDLY GOP NOW HAS  
"INTENTION TO PREPARE FOR TRIAL" OF TWO FORMER HUNGER  
STRIKERS. PRESIDENT TOLD OSMENA JR.'S DAUGHTER YESTERDAY,  
HOWEVER, HER FATHER COULD RETURN TO PHILIPPINES AND LEAVE  
AGAIN WITHOUT FEAR OF ARREST. MARCOS' REASONS FOR APPARENT  
REVERSAL OF AMNESTY LINE REGIME ESPOUSING OVER LAST FEW DAYS  
UNCLEAR BUT WE SUSPECT THEY MAY BE CONNECTED WITH EFFORT  
TO IMPROVE HIS PR POSITION VIS-A-VIS THE DETAINEES.  
OSMENA/LOPEZ LAWYERS FEEL LATEST DEVELOPMENT DOES NOT  
BREACH THEIR AGREEMENT WITH ENRILE AND THINK GOP DOES NOT  
WANT TRIAL, A VIEW WE SHARE. MARCOS HAS SCHEDULED MAJOR  
SPEECH ON DETAINEE QUESTION DECEMBER 11 WHICH HOPEFULLY  
WILL CLARIFY MORE THAN USUALLY CONFUSED SITUATION.  
END SUMMARY

2. ON DECEMBER 5 ALL MANILA PAPERS HEADLINED PRESIDENT'S  
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STATEMENT DISREGARDING LEGAL STUDY WHICH CONCLUDED THAT

TWO OSMENAS AND LOPEZ JR. QUALIFIED FOR AMNESTY. AFTER REVIEW WITH HIS LEGAL ADVISERS, MARCOS REPORTEDLY DECIDED AMNESTY APPLICABLE ONLY TO POLITICAL CRIMES. ATTEMPT TO ASSASSINATE HIM WAS "ORDINARY CRIME". MOREOVER, MARCOS CONSIDERS AMNESTY PRESUPPOSES TRIAL AND CONVICTION OR AT LEAST ADMISSION OF GUILT AND MUST BE APPEARED FOR. NONE OF THESE CONDITIONS HAS BEEN MET BY OSMENAS OR LOPEZ JR. PRESS REPORTS "IT IS NOW INTENTION OF THE GOVERNMENT TO PREPARE FOR THE TRIAL OF OSMENA THE III AND LOPEZ JR."

3. PRESIDENT MET WITH OSMENA JR.'S DAUGHTER DECEMBER 4 PRIOR HER DEPARTURE FOR US. HE EXPLAINED THAT HER FATHER NOT QUALIFIED FOR AMNESTY BUT BECAUSE OF "STANDING COMMITMENT" SERGIO COULD RETURN TO PHILIPPINES WITHOUT FEAR OF "MOLESTATION, PROSECUTION OR ARREST" AND LEAVE COUNTRY WHENEVER HE WISHED.

4. SOLICITOR GENERAL MENDOZA TOLD POLCOONS DECEMBER 5 THAT NEITHER OSMENA NOR LOPEZ PRESSED FOR AMNESTY OR TRIAL. AS SOLICITOR GENERAL EXPLAINED LAW NEITHER CONVICTION, ADMISSION OF GUILT, NOR REQUEST REQUISITE FOR GRANTING AMNESTY. MENDOZA WHO SAID PRESIDENT MIGHT BE CONCERNED WITH "PROCEDURAL INTERESTS" OPINED LOPEZ/OSMENA WOULD NOT REPEAT NOT BE BROUGHT TO TRIAL. LOPEZ/OSMENA ATTORNEY SENATOR TANADA TOLD POLCOONS AMNESTY HAD NOT COME UP DURING DISCUSSION WITH ENRILE. ENRILE HAD PROMISED THAT LOPEZ/OSMENA WOULD BE RELEASED FROM HOSPITAL TO HOME DECEMBER 22 AND THEN RELEASED EARLY IN 1975. ACCORDING TO TANADA, ENRILE CONFIRMED THIS TO AP'S ZEITLIN ONLY FOUR DAYS AGO. TANADA SAID HIS COLLEAGUE DIOKNO DOES NOT YET REGARD CURRENT AMNESTY MANEUVERS AS BREACH OF AGREEMENT WITH ENRILE. NEITHER LOPEZ NOR OSMENA HAVE BEEN IN CONTACT WITH THEIR ATTORNEYS AS MIGHT BE EXPECTED IF GOVERNMENT ACTUALLY PROCEEDING WITH TRIAL. SENATOR TANADA SPECULATED MARCOS' AMNESTY MANEUVERS AIMED AT GETTING SEN. OSMENA TO RETURN TO PHILIPPINES.

5. COMMENT: REASONING BEHIND MARCOS' CURRENT AMNESTY  
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MANEUVERING REMAINS OBSCURE BUT EMBASSY REMAINS CONVINCED (LIKE SOLICITOR GENERAL AND SENATOR TANADA) REGIME DOES NOT WANT TO PUT FORMER HUNGER STRIKERS ON TRIAL. WE ALSO THINK IT UNLIKELY MARCOS WOULD RENOUNCE NOVEMBER 28 ENRILE-TANADA WRITTEN AGREEMENT (REF. C). LOPEZ/OSMENA'S FAILURE TO CONTACT THEIR ATTORNEYS AND FORMULATION IN PRESS THAT GOVERNMENT "INTENDING TO PREPARE FOR TRIAL" (WHICH QUITE TENTATIVE) ALSO SUGGEST TRIAL NOT LIKELY.

EMBASSY FOREBEARS FURTHER SPECULATION ON MARCOS' MOTIVES.  
HOPEFULLY PRESIDENT'S DECEMBER 11 STATEMENT ON DETENTION WILL  
HELP CLARIFY HIS INTENTIONS FOR OSMENA/LOPEZ. EMBASSY  
REMAINS SENSITIVE TO CONGRESSIONAL INTEREST IN  
THEIR CASE AS REPORTED PARA 2 REF A. AND WILL CONTINUE TO  
REPORT DEVELOPMENTS AS THEY OCCUR.ARNOLD

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## Message Attributes

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